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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,018	04/25/2006	Shun Yoshiya	522341-0350567 (YIP0048-U)	7525
909 7590 01/15/2010 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER LOPEZ, RICARDO E.	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 01/15/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,018	<b>Applicant(s)</b> YOSHIYA, SHUN	
	<b>Examiner</b> RICARDO E. LOPEZ	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/25/2006</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

The amendment filed on September 18, 2009 has been entered. Claims 1, 4 and new added claims 6 and 7 are pending.

#### ***Claim Rejections - 35 USC § 112***

1. Claim 1, 4, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1 and 4 recite "comprise respective opening sections with enlarge diameters". Enlarged over what?
2. It is unclear what exactly is comprising the opening sections, for examination purposes it is considered that end of hole one and end of hole two each have enlarged diameters. It is also unclear to what is referenced as to the enlargement of the diameters. For examination purposes it is considered that the diameter of the hole is at the end larger than the diameter in the non distal section of each hole.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo JP- 63085113 U in view of Abe JP-10313920 A.

4. Considering claims 1, 4, 6 and 7 Endo teaches in the embodiment of Fig. 1 an ornament bead comprising a pair of insert holes 1 and 2 and an extract hole 3. These three holes extend and communicate each other at the center of the bead. The three holes intersect at 120 degree angle each other, like a Y shape. In the embodiment illustrated in Fig. 2, Kabushiki teaches the use of a grinding tool 5 that can be inserted to each hole to cut off each vertex portion of the included angle formed in the spherical body between the two holes (Abstract). Furthermore, Endo also teaches in the embodiment illustrated in Fig. 1 that the ornament comprises a string 12 as a support member for the beads, wherein each end of string 12 is inserted to each hole 2 and both ends are extracted from extract hole 3.

Endo does not teach that the support member be a wire, neither does it teach the use of a reinforcing cylindrical members that are fixedly disposed in the opening sections with enlarged diameters.

Abe teaches a method for manufacturing beaded necklace comprising the step of fixedly disposing a joining material to the end of the through holes in each bead. The joining material comprises a flange that is attached to the surface of the bead in the through hole periphery. As illustrated in Fig 1 the flange end in Abe's joining member has larger diameter than the opposite end, thus meeting the limitation in the amended subject claims. The beads are connected together by inserting a string, i.e. wire through

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the holes of the beads. The wire is not in direct contact with verge of opening of each through hole. Furthermore, Abe also teaches that with the described configuration, the beads will never loose luster since their surfaces never rub mutually (Derwent Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the beads structure of Kendo with the joining material and wire support element of Abe in order to fabricate strung ornaments with beads so that the beads will never loose luster since their surfaces never rub mutually.

### ***Response to Arguments***

5. The amendment filed on September 18, 2009 has been entered. Examiner reminds Applicant that claim 5 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 01, 2009.

Amendments to claims 1 and 4 have been considered and entered; new added claims 6 and 7 have been considered and entered.

Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of new grounds of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO E. LOPEZ whose telephone number is (571)-270-1150. The examiner can normally be reached on Monday to Thursday 8:00 am-5:30pm EST, and every other Friday from 8:00 am to 4:30 pm..

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on (571)-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REL/  
Ricardo E. Lopez  
Patent Examiner, Art Unit 1794  
January 04, 2010

/D. Lawrence Tarazano/  
Supervisory Patent Examiner, Art  
Unit 1794